



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

1022 CRIMINAL WRIT PETITION NO. 1882 OF 2023

KSHTRUGHNA DHANU PAWAR

VERSUS

PRALHAD RAMDAS ADE

...

Advocate for the Petitioner : Mr. Kawale Laxman H.

Advocate for Respondent : Mr.Sonkawade Amarsinha Dharmaraj

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 18th July, 2024.

P.C.:

1. By this writ petition, the petitioner is challenging the order passed by the Additional Sessions Judge-4, Latur dated 16th October, 2023 in criminal revision application no.13 of 2023.
2. It is contention of the learned counsel for the petitioner that the respondent has filed the complaint under section 138 of the Negotiable Instruments Act, (for short, "N.I. Act") against the petitioner, which is pending before the trial Court. There is delay of 668 days for filing the said complaint. The respondent had filed application for condonation of delay. The trial Court has condoned the delay without any reasonable ground. The learned counsel further submitted that the petitioner has challenged the said order before the Sessions Court. The Sessions Court has confirmed the said order, which is erroneous. The learned counsel further submitted that no explanation for causing delay is mentioned in the application, but both the Courts have not considered

this fact and have allowed the delay condonation application, hence requested to allow the writ petition.

3. It is contention of the respondent that the trial Court has passed well reasoned order and in the order, the trial Court has observed that as per the directions of the Hon'ble Apex Court due to covid period there was delay in filing the complaint on that ground the delay is condoned, which is proper. No interference is required in the order passed by the Sessions Court, hence requested to dismiss the writ petition.

4. I have heard both the learned counsel. Perused the impugned order passed by the Sessions Court.

5. While allowing the delay condonation application, the trial Court has observed that as per the directions of the Hon'ble Apex Court, the delay is condoned. The said order is confirmed by the Sessions Court. I do not find any infirmity in it. In my view, the cause of action for filing the complaint had arisen in covid period, but due to covid period, the said complaint was not filed and thereafter it was filed. As per the directions of the Hon'ble Apex Court the delay is condoned, hence no interference is required in it. Accordingly, writ Petition is dismissed.

[SHIVKUMAR DIGE, J.]